



COUNTY OF LOS ANGELES

CLAIMS BOARD

500 WEST TEMPLE STREET

LOS ANGELES, CALIFORNIA 90012

MEMBERS OF THE BOARD

March 17, 2003

Maria M. Oms
Auditor-Controller
Lloyd W. Pellman
Office of the County Counsel
Rocky Armfield
Chief Administrative Office

Honorable Board of Supervisors
383 Kenneth Hahn Hall of Administration
500 West Temple Street
Los Angeles, California 90012

Re: **Pamela Corona, a minor, by and through her Guardian
Ad Litem, Maria Guizar, Maria Guizar and Israel Corona v.
County of Los Angeles**
Los Angeles Superior Court Case No. PC 028 740

Dear Supervisors:

The Claims Board recommends that:

1. The Board authorize settlement of the above-entitled action in the amount of \$200,000.00, plus assumption of the Medi-Cal Lien not to exceed \$8,736.09, and Lifetime Acute Medical Care.
2. The Auditor-Controller be directed to draw warrants to implement this settlement from the Department of Health Services.

Enclosed is the settlement request and a summary of the facts of the case.

The Litigation Report, including the Corrective Action Report, is being transmitted to you under separate cover by the Department of Health Services.

Return the executed, adopted copy to Frances Lunetta, Suite 648 Kenneth Hahn Hall of Administration, Extension 4-1754.

Very truly yours,

Maria M. Oms, Chairperson
Los Angeles County Claims Board

MMO/fsl

Enclosure

MEMORANDUM

February 28, 2003

TO: LOS ANGELES COUNTY CLAIMS BOARD

FROM: DAVID J. WEISS, Esq.
Law Offices of David J. Weiss

OWEN L. GALLAGHER
Principal Deputy County Counsel

RE: Pamela Corona, a minor by and through her Guardian Ad Litem,
Maria Guizar, Maria Guizar and Israel Corona v. County of Los
Angeles
Los Angeles Superior Court Case No. PC028740

DATE OF
INCIDENT: August 10, 2001

AUTHORITY \$200,000, Plus Assumption of the Medi-Cal Lien Not to Exceed
REQUESTED: \$8,736.09, And Lifetime Acute Medical Care.

COUNTY
DEPARTMENT: DEPARTMENT OF HEALTH SERVICES

CLAIMS BOARD ACTION:

☐ Approve ☐ Disapprove ☐ Recommend to Board of
Supervisors for Approval

_____, Chief Administrative Office
ROCKY A. ARMFIELD

_____, County Counsel
LLOYD W. PELLMAN

_____, Auditor-Controller
MARIA M. OMS

on _____, 2003

SUMMARY

This is a recommendation to settle for \$200,000 the medical negligence lawsuit brought by Pamela Corona, a minor, for the injuries she sustained during her birth at Olive View/UCLA Medical Center on August 10, 2001. The State, having paid \$8,736.09 for the provision of Medi-Cal care, has a claim for reimbursement, which will be settled by the County. In addition, the settlement also provides for lifetime acute medical care related to the injuries Pamela Corona suffered as a result of this incident. The mother, Maria Guizar, has a separate cause of action for emotional distress, which is also being resolved by this settlement.

LEGAL PRINCIPLES

The County is liable for the failure of its hospital and medical staff to provide services consistent with the appropriate standard of care for the circumstances encountered.

SUMMARY OF FACTS

On August 6, 2001, at 3:22 p.m., Maria Guizar, a 25-year-old woman, pregnant with her second child, at 39 1/7 weeks gestation, was admitted to Olive View/UCLA Medical Center for the purpose of inducing labor. It was noted that Maria Guizar was suffering from a temporary failure of the pancreas to release enough insulin into the blood due to pregnancy (gestational diabetes). Although individuals suffering from gestational diabetes are at risk for delivering a excessively large (macrosomic) baby, medical personnel estimated the weight of the fetus at 3,600 grams (7 lbs. 15 oz.). Based upon the estimated weight of the fetus, which did not indicate a macrosomic baby, a vaginal delivery (trial of labor) was planned. At 4:25 p.m., Maria Guizar was given medication to induce labor (Misoprostol).

On August 7, 2001, Maria Guizar reported that she was experiencing mild contractions. However, her contractions did not progress as expected.

On August 8, 2001, at 5:37 p.m., Maria Guizar was given another medication to induce labor (Pitocin). At 8:35 p.m., it was noted that Maria Guizar's contractions were occurring at regular intervals.

On August 9, 2001, at 6:30 a.m., it was noted that Maria Guizar's contractions were occurring irregularly.

On August 10, 2001, at 6:30 a.m., Maria Guizar's cervix was completely dilated, and she was encouraged to push with each contraction to assist in the process of labor. However, the delivery process failed to progress. At 8:00 a.m., a diagnostic imaging procedure utilizing sound frequency (ultrasound) confirmed that the fetus was in the appropriate position for delivery. However, no reassessment of the weight of the fetus was performed to eliminate the possibility that the failure of labor to sufficiently progress was due to a macrosomic infant.

At 10:56 a.m., delivery of the fetus was attempted with the assistance of a surgical instrument inserted into the vagina and used to grasp and pull the fetus out of the birth canal (forceps). However, the attempt to deliver utilizing forceps was unsuccessful. Therefore, at 11:00 a.m., a surgical tool used to extract the fetus from the birth canal by suction (vacuum extractor) was applied to the fetal head, and at 11:06 a.m., the head was delivered. During the delivery of the fetal head, it was noted that a shoulder of the fetus had become wedged beneath the mother's pubic bone (shoulder dystocia). To facilitate delivery of the fetus, an incision to enlarge the vaginal opening (episiotomy) was performed, and pressure was applied above the pubic bone (suprapubic).

At 11:07 a.m., Maria Guizar gave birth to Pamela Corona, a macrosomic female infant weighing 4,225 grams (9 lbs. 2 oz.). Immediately after delivery of the infant, medical personnel noted that Pamela Corona showed signs of paralysis in her right arm, which is evidence of damage to the nerves in the neck that enervate the shoulder and arm (Erb's palsy) resulting when the shoulder became wedged beneath the mother's pubic bone.

On August 12, 2001, Pamela Corona was given physical therapy to strengthen her right arm, and on August 13, 2001, she was discharged. Pamela Corona is currently undergoing physical therapy, but continues to have limited control and diminished strength in her right arm, wrist, and hand.

DAMAGES

If this matter proceeds to trial, the claimant will likely seek the following:

Pamela Corona,	
Future Medical Care	\$100,000
Loss of Future Earnings	\$ 75,000
Pain and Suffering (MICRA limit)	\$250,000
 Maria Guizar,	
Pain and Suffering (MICRA limit)	<u>\$250,000</u>
 TOTAL	 \$675,000

The proposed settlement includes:

Pamela Corona,	
Cash Settlement	\$100,000
Maria Guizar,	
Cash Settlement	\$ 40,000
Attorneys Fees (MICRA Estimate)	\$ 50,000
Costs of Litigation	<u>\$ 10,000</u>
 TOTAL	 \$200,000

A portion of the recommended settlement may be directed by claimants to be used to purchase an annuity. The amount and structure of the annuity has not been selected at this time.

STATUS OF CASE

The current trial date has been vacated pending approval of this settlement.

Expenses incurred by the County of Los Angeles in the defense of this case through February 14, 2003, are attorneys fees of \$21,413.00 and \$10,392.51 in costs.

The total cost to the County of Los Angeles, as a result of this settlement, exclusive of lifetime acute medical care, is as follows:

Indemnity (Settlement Amount)	\$200,000.00
County Attorneys Fees and Costs	\$ 31,805.51
Medi-Cal Lien	<u>\$ 8,736.09</u>
TOTAL	\$240,541.60

EVALUATION

Medical experts will be critical of the failure of medical personnel on August 10, 2001, at 8:00 a.m., to reassess the estimated weight of the fetus to eliminate the possibility that the failure of Maria Guizar's labor to sufficiently progress was due to a macrosomic infant. This failure fell below the standard of care and is directly responsible for the results observed here.

We join with our private counsel, Law Offices of David J. Weiss, and our claims administrator, Octagon Risk Services, Inc., in recommending settlement in the amount of \$200,000, payment of the Medi-Cal lien in the amount of \$8,736.09, and lifetime acute medical care for the injury Pamela Corona suffered as a result of this incident.

The Department of Health Services concurs in this settlement.